

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 05-CR-20002

FREDERICK A. MACKINNON,

Defendant.

ORDER REGARDING THE STATUS OF FREDERICK A. MACKINNON

It has come to the Court's attention that Frederick A. MacKinnon has failed to report as ordered to the Bureau of Prisons to commence service of his sentence because he is hospitalized. The Court has been informed that it is not possible to make a reasonably accurate prediction regarding the length of time for which hospitalization will be necessary for this defendant. Accordingly, after consultation with counsel for the defendant and the government, the Court orders as follows:

Frederick A. MacKinnon's bond is continued and his obligation to report to the Bureau of Prisons is indefinitely suspended.

The U.S. Pretrial Services Office shall obtain weekly reports regarding the defendant's status from the hospital where the defendant is residing, and shall promptly report to the Court regarding that status, as well as the prospect of the defendant being released during the following week. The Court shall direct disclosure of the weekly reports to counsel for the defendant and the government if the Court determines that it is appropriate to do so.

Mr. Lee shall maintain regular contact with the defendant's wife to obtain any additional information that she can provide regarding when the defendant is to be released from the hospital. All relevant information obtained by Mr. Lee shall be forwarded to the Court promptly, with a copy to the defendant's pretrial services officer and government's counsel.

When Frederick A. MacKinnon is released from the hospital, copies of all written reports regarding the defendant's status obtained by the Pretrial Services Office or Mr. Lee shall be compiled and forwarded to the Bureau of Prisons. The Bureau of Prisons shall consider such information in arriving at an appropriate placement for the defendant.

The Court shall reassess the defendant's situation if Frederick A. MacKinnon is not released from the hospital in 60 days from the date of this order. The reassessment will possibly include requiring the defendant to arrange for an independent examination by an appropriately qualified specialist. If the defendant is unable to arrange for such an examination, the Court will consider requiring the defendant to submit to an examination by the appropriate personnel in a medical institution operated by the Bureau of Prisons.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: May 29, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, May 29, 2008, by electronic and/or ordinary mail.

s/Lisa G. Wagner
Case Manager and Deputy Clerk
(313) 234-5522